

## **4123-3-14 Procedure in the original adjudication of noncomplying employers' claims.**

(A) Immediately after the claim has been numbered and recorded by the bureau, the bureau shall prepare and, by certified mail, file for record in the office of the county recorder in the counties where the employer's property is located, if known, or in the county (or counties) where the employer's business is located, an affidavit showing the date on which the application for compensation and/or benefits was filed, the name and address of the employer against whom it was filed, and the fact that said employer has not complied with section 4123.35 of the Revised Code. A copy of the application for compensation and/or benefits shall be filed with the affidavit. The affidavit shall constitute a lien on employer's real property and tangible personal property within the county where it was filed.

(B) The bureau shall notify the employer, within the shortest time possible, of the filing of the application, which notice shall be mailed by certified mail. Such notice shall be accompanied by a copy of the application and a copy of the bureau's affidavit, as described in paragraph (A) of this rule, and shall advise the employer that unless the employer files an answer to the application within fourteen days after the receipt of the notice, except if otherwise required by the rules of the bureau, the claim shall be adjudicated upon the application that has been filed.

(C) The answer of the employer shall be verified by the employer, or the employer's agent or attorney. Upon the filing of such answer the bureau shall immediately mail a copy of the answer to the employee. If the employee is represented, a copy shall be mailed to the representative.

(D) Except as herein provided, the adjudication of such applications shall be in conformity to rule 4123-3-09 of the Administrative Code.

(E) The lien on employer's property, as described in paragraph (A) of this rule, shall be cancelled under the following circumstances:

- (1) The employer has paid the amount of all awards made by the bureau and/or the industrial commission.
- (2) There was a final order of disallowance of claim or claims.
- (3) The bureau, industrial commission, or a court has determined that the employer subject to the lien is not the employer of record in the claim.
- (4) The employer has filed a bond in such amount and with such surety as the bureau approves, conditioned on the employer's payment of all awards made by the bureau and/or the industrial commission. The bureau may, in discretion, grant a partial release of the lien, should this be necessary to facilitate the conduct of the employer's business, provided a sufficient security remains to pay any award that

may be made in the claim or claims.

(F) In all cases of employer's failure to pay the awards granted, payment of such awards from the surplus fund and the recovery of the monies so paid by the bureau shall be in accordance with section 4123.75 of the Revised Code.

Effective: 10/4/04

Prior Effective Dates: 10/17/68, 1/16/78